

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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MICHAEL HOBBS THOMPSON,

Plaintiff,

vs.

STATE OF UTAH, et al.,

Defendants.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

Case No. 2:18-cv-307

Judge Dee Benson

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Before the court is the Report and Recommendation issued by United States Magistrate Judge Paul M. Warner on February 27, 2019, recommending: (1) that this action be DISMISSED on the basis that it is frivolous under the authority of the *in forma pauperis* (IFP) statute; (2) that the State Defendants'<sup>1</sup> motion to dismiss, the WCF Defendants'<sup>2</sup> motion to dismiss, and

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<sup>1</sup>The State Defendants include: the State of Utah; the Utah Attorney General's Office, the Department of Recovery Services; the Department of Workforce Services; and the Utah Department of Health.

<sup>2</sup>The WCF Defendants include: WCF Mutual Insurance Company, fka Workers Compensation Fund; Vergae Oler, and any and all other officers, representatives and/or employees of WCF Mutual Insurance in their capacity with WCF Mutual Insurance.

Plaintiff's motion to disregard the motions to dismiss, be DENIED AS MOOT; (3) that Plaintiff's motion to amend the complaint be DENIED on the basis of futility; and (4) that all other motions filed by Plaintiff be DENIED AS MOOT as they have no bearing on the analysis of Plaintiff's amended complaint or the court's conclusion that the action is frivolous. (Dkt. No. 50.)

The parties were notified of their right to file objections to the Report and Recommendation within fourteen days after being served with a copy of it. None of the parties have filed such an objection and the time for doing so has passed.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the court ADOPTS the Report and Recommendation and ORDERS AS FOLLOWS:

1. This action as against all named defendants is DISMISSED as frivolous under the authority of the IFP statute. *See* 28 U.S.C. § 1915(e)(2)(B)(i).
2. The motion to dismiss filed by State Defendants (Dkt. No. 39), the motion to dismiss filed by WCF Defendants (Dkt. No. 38), and Plaintiff's motion to disregard the motions to dismiss (Dkt. No. 40), are DENIED AS MOOT.
3. Plaintiff's motion to amend the complaint (Dkt. No. 25) is DENIED on the basis that Plaintiff's amended complaint is frivolous and providing him the opportunity to amend the complaint yet again would be futile.
4. All of the additional motions filed by Plaintiff in this action (Dkt. Nos. 26, 27, 28, 29) are DENIED AS MOOT on the basis that the motions have no bearing on the

analysis of Plaintiff's amended complaint, or on the court's conclusion that the complaint is frivolous.

DATED this 22nd day of March, 2019.

A handwritten signature in black ink, reading "Dee Benson". The signature is written in a cursive, flowing style. The first name "Dee" is written with a large, stylized 'D' that loops around the first letter of the last name. The last name "Benson" is written in a more standard cursive script.

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Dee Benson  
United States District Judge